

108TH CONGRESS  
1ST SESSION

# H. R. 3143

To enhance Federal Trade Commission enforcement against cross-border fraud and deception.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2003

Mr. STEARNS (for himself and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To enhance Federal Trade Commission enforcement against cross-border fraud and deception.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be referred to as the “International  
5       Consumer Protection Act of 2003”.

6       **SEC. 2. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.**

7       Section 4 of the Federal Trade Commission Act (15  
8       U.S.C. 44) is amended by adding at the end the following  
9       new paragraph:

10       “‘Foreign law enforcement agency’ means—

1           “(A) any agency or judicial authority of a for-  
2           eign government, including a foreign state, a polit-  
3           ical subdivision of a foreign state, or a multinational  
4           organization constituted by and comprised of foreign  
5           states, that is vested with law enforcement or inves-  
6           tigative authority in civil, criminal, or administrative  
7           matters; or

8           “(B) any multinational or multiagency organi-  
9           zation to the extent that it is acting on behalf of an  
10          entity described in subparagraph (A).”.

11 **SEC. 3. AVAILABILITY OF REMEDIES.**

12          Section 5(a) of the Federal Trade Commission Act  
13 (15 U.S.C. 45(a)) is amended by adding at the end the  
14 following new paragraph:

15          “(4)(A) Unfair or deceptive acts or practices for pur-  
16 poses of this subsection shall include such acts or practices  
17 involving foreign commerce that—

18               “(i) cause or are likely to cause reasonably fore-  
19 seeable injury within the United States; or

20               “(ii) involve material conduct occurring within  
21 the United States.

22          “(B) All remedies available to the Commission with  
23 respect to unfair and deceptive acts or practices shall be  
24 available for acts and practices described in this para-

1 graph, including restitution to domestic or foreign vic-  
 2 tims.”.

3 **SEC. 4. POWERS OF THE COMMISSION.**

4 (a) PUBLICATION OF INFORMATION; REPORTS.—Sec-  
 5 tion 6(f) of the Federal Trade Commission Act (15 U.S.C.  
 6 46(f)) is amended—

7 (1) by inserting “(1)” after “such information”  
 8 the first place it appears; and

9 (2) by striking “purposes.” and inserting “pur-  
 10 poses, and (2) to any officer or employee of any for-  
 11 eign law enforcement agency under the same cir-  
 12 cumstances that making material available to foreign  
 13 law enforcement agencies is permitted under section  
 14 21(b)(6).”.

15 (b) OTHER POWERS OF THE COMMISSION.—Section  
 16 6 of the Federal Trade Commission Act (15 U.S.C. 46)  
 17 is further amended by inserting after subsection (i) the  
 18 following new subsections:

19 “(j) INVESTIGATIVE ASSISTANCE FOR FOREIGN LAW  
 20 ENFORCEMENT AGENCIES.—

21 “(1) IN GENERAL.—Upon a written request  
 22 from a foreign law enforcement agency to provide  
 23 assistance in accordance with this subsection, if the  
 24 requesting agency states that it is investigating, or  
 25 engaging in enforcement proceedings against, pos-

1       sible violations of laws prohibiting fraudulent or de-  
2       ceptive commercial practices, or other practices sub-  
3       stantially similar to practices prohibited by any pro-  
4       vision of the laws administered by the Commission,  
5       other than Federal antitrust laws (as defined in sec-  
6       tion 12(5) of the International Antitrust Enforce-  
7       ment Assistance Act of 1994 (15 U.S.C. 6211(5))),  
8       the Commission may provide the assistance de-  
9       scribed in paragraph (2) without requiring that the  
10      conduct identified in the request constitute a viola-  
11      tion of the laws of the United States.

12           “(2) TYPE OF ASSISTANCE.—In providing as-  
13      sistance to a foreign law enforcement agency under  
14      this subsection, the Commission may—

15           “(A) conduct such investigation as the  
16      Commission deems necessary to collect informa-  
17      tion and evidence pertinent to the request for  
18      assistance, using all investigative powers au-  
19      thorized by this Act; and

20           “(B) when the request is from an agency  
21      acting to investigate or pursue the enforcement  
22      of civil laws, or when the Attorney General re-  
23      fers a request to the Commission from an agen-  
24      cy acting to investigate or pursue the enforce-  
25      ment of criminal laws, seek and accept appoint-

1           ment by a United States district court of Com-  
2           mission attorneys to provide assistance to for-  
3           eign and international tribunals and to litigants  
4           before such tribunals on behalf of a foreign law  
5           enforcement agency pursuant to section 1782 of  
6           title 28, United States Code.

7           “(3) CRITERIA FOR DETERMINATION.—In de-  
8           ciding whether to provide such assistance, the Com-  
9           mission shall consider all relevant factors, includ-  
10          ing—

11                 “(A) whether the requesting agency has  
12                 agreed to provide or will provide reciprocal as-  
13                 sistance to the Commission;

14                 “(B) whether compliance with the request  
15                 would prejudice the interest of consumers in the  
16                 United States; and

17                 “(C) whether the requesting agency’s in-  
18                 vestigation or enforcement proceeding concerns  
19                 acts or practices that cause or are likely to  
20                 cause injury to a significant number of persons.

21           “(4) INTERNATIONAL AGREEMENTS.—If a for-  
22           eign law enforcement agency has set forth a legal  
23           basis for requiring execution of an international  
24           agreement as a condition for reciprocal assistance,  
25           or as a condition for provision of materials or infor-

1 mation to the Commission, the Commission, after  
2 consultation with the Secretary of State, may nego-  
3 tiate and conclude an international agreement, in  
4 the name of either the United States or the Commis-  
5 sion, and with final approval of the agreement by  
6 the Secretary of State, for the purpose of obtaining  
7 such assistance, materials, or information. The Com-  
8 mission may undertake in such an international  
9 agreement to—

10 “(A) provide assistance using the powers  
11 set forth in this subsection;

12 “(B) disclose materials and information in  
13 accordance with subsection (f) and section  
14 21(b)(6); and

15 “(C) engage in further cooperation, and  
16 protect materials and information received from  
17 disclosure, as authorized by this Act.

18 “(5) The authority in this subsection is in addi-  
19 tion to, and not in lieu of, any other authority vested  
20 in the Commission or any other officer of the United  
21 States.

22 “(k) REFERRAL OF EVIDENCE FOR CRIMINAL PRO-  
23 CEEDINGS.—

24 “(1) IN GENERAL.—Whenever the Commission  
25 obtains evidence that any person, partnership, or

1 corporation, either domestic or foreign, has engaged  
2 in conduct that may constitute a violation of Federal  
3 criminal law, the Commission may transmit such  
4 evidence to the Attorney General, who may institute  
5 criminal proceedings under appropriate statutes.  
6 Nothing in this paragraph affects any other author-  
7 ity of the Commission to disclose information.

8 “(2) INTERNATIONAL INFORMATION.—The  
9 Commission shall endeavor to ensure, with respect to  
10 memoranda of understanding and international  
11 agreements it may conclude, that material it has ob-  
12 tained from foreign law enforcement agencies acting  
13 to investigate or pursue the enforcement of foreign  
14 criminal laws may be used for the purpose of inves-  
15 tigation, prosecution, or prevention of violations of  
16 United States criminal laws.

17 “(1) EXPENDITURES FOR COOPERATIVE ARRANGE-  
18 MENTS.—The Commission may expend appropriated  
19 funds for—

20 “(1) operating expenses and other costs of bi-  
21 lateral and multilateral cooperative law enforcement  
22 groups conducting activities of interest to the Com-  
23 mission and in which the Commission participates;  
24 and

1           “(2) expenses for consultations and meetings  
2           hosted by the Commission with foreign government  
3           agency officials, members of their delegations, ap-  
4           propriate representatives and staff to exchange views  
5           concerning developments relating to the Commis-  
6           sion’s mission, development and implementation of  
7           cooperation agreements, and provision of technical  
8           assistance for the development of foreign consumer  
9           protection or competition regimes, such expenses to  
10          include necessary administrative and logistic ex-  
11          penses and the expenses of Commission staff and  
12          foreign invitees in attendance at such consultations  
13          and meetings including—

14                 “(A) such incidental expenses as meals  
15                 taken in the course of such attendance;

16                 “(B) any travel and transportation to or  
17                 from such meetings; and

18                 “(C) any other related lodging or subsist-  
19                 ence.”.

20          (c) AUTHORIZATION OF APPROPRIATIONS.—The  
21          Federal Trade Commission is authorized to expend appro-  
22          priated funds not to exceed \$100,000 per fiscal year for  
23          purposes of section 6(l) of the Federal Trade Commission  
24          Act (15 U.S.C. 46(l)) (as amended by this Act), including  
25          operating expenses and other costs of the following bilat-

1 eral and multilateral cooperative law enforcement agencies  
2 and organizations:

3 (1) The International Consumer Protection and  
4 Enforcement Network.

5 (2) The International Competition Network.

6 (3) The Mexico-U.S.-Canada Health Fraud  
7 Task Force.

8 (4) Project Emptor.

9 (5) The Toronto Strategic Partnership and  
10 other regional partnerships with a nexus in a Cana-  
11 dian province.

12 **SEC. 5. REPRESENTATION IN FOREIGN LITIGATION.**

13 Section 16 of the Federal Trade Commission Act (15  
14 U.S.C. 56) is amended by adding at the end the following  
15 subsection:

16 “(c) FOREIGN LITIGATION.—

17 “(1) COMMISSION ATTORNEYS.—The Commis-  
18 sion may designate Commission attorneys to assist  
19 the Attorney General in connection with litigation in  
20 foreign courts in which the Commission has an in-  
21 terest, pursuant to the terms of a memorandum of  
22 understanding to be negotiated by the Commission  
23 and the Attorney General. The preceding sentence is  
24 in addition to, and not in lieu of any other authority  
25 vested in the Commission.

1           “(2) FOREIGN COUNSEL.—The Commission is  
2           authorized to expend appropriated funds for the re-  
3           tention of foreign counsel for consultation and for  
4           litigation in foreign courts, and for expenses related  
5           to consultation and litigation in foreign courts in  
6           which the Commission has an interest.

7           “(3) PAYMENT OF CLAIMS.—Nothing in this  
8           section authorizes the payment of claims or judg-  
9           ments from any source other than the permanent  
10          and indefinite appropriation authorized by section  
11          1304 of title 31, United States Code.”.

12   **SEC. 6. SHARING INFORMATION WITH FOREIGN LAW EN-**  
13                   **FORCEMENT AGENCIES.**

14          (a) MATERIAL OBTAINED PURSUANT TO COMPUL-  
15          SORY PROCESS.—Section 21(b)(6) of the Federal Trade  
16          Commission Act (15 U.S.C. 57b–2(b)(6)) is amended by  
17          adding at the end the following: “The custodian may make  
18          such material available to any foreign law enforcement  
19          agency upon the prior certification of an appropriate offi-  
20          cial of any such foreign law enforcement agency, either  
21          by a prior agreement or memorandum of understanding  
22          with the Commission or by other written certification, that  
23          such material will be maintained in confidence and will  
24          be used only for official law enforcement purposes, if—

1           “(1) the foreign law enforcement agency has set  
2       forth a bona fide legal basis for its authority to  
3       maintain the material in confidence; and

4           “(2) the materials are to be used for purposes  
5       of investigating, or engaging in enforcement pro-  
6       ceedings related to, possible violations of—

7           “(A) foreign laws prohibiting fraudulent or  
8       deceptive commercial practices or other prac-  
9       tices substantially similar to practices prohib-  
10      ited by any law administered by the Commis-  
11      sion;

12          “(B) a law administered by the Commis-  
13      sion, if disclosure of the material would further  
14      a Commission investigation or enforcement pro-  
15      ceeding; or

16          “(C) with the approval of the Attorney  
17      General, other foreign criminal laws, if such  
18      foreign criminal laws are offenses defined in or  
19      covered by a criminal mutual legal assistance  
20      treaty in force between the government of the  
21      United States and the foreign law enforcement  
22      authority’s government.

23       Nothing in the preceding sentence authorizes the  
24       disclosure of material obtained in connection with  
25       the administration of the Federal antitrust laws or

1 foreign antitrust laws (as defined in paragraphs (5)  
2 and (7), respectively, of section 12 of the Inter-  
3 national Antitrust Enforcement Assistance Act of  
4 1994 (15 U.S.C. 6211)) to any officer or employee  
5 of a foreign law enforcement agency.”.

6 (b) INFORMATION SUPPLIED BY AND ABOUT FOR-  
7 EIGN SOURCES.—Section 21(f) of the Federal Trade Com-  
8 mission Act (15 U.S.C. 57b–2(f)) is amended to read as  
9 follows—

10 “(f) EXEMPTION FROM DISCLOSURE.—

11 “(1) IN GENERAL.—Any material which is re-  
12 ceived by the Commission in any investigation, a  
13 purpose of which is to determine whether any person  
14 may have violated any provision of the laws adminis-  
15 tered by the Commission, and which is provided pur-  
16 suant to any compulsory process under this Act or  
17 which is provided voluntarily in place of such com-  
18 pulsory process shall be exempt from disclosure  
19 under section 552 of title 5, United States Code.

20 “(2) MATERIAL OBTAINED FROM A FOREIGN  
21 SOURCE.—

22 “(A) Except as provided in subparagraph  
23 (C) of this paragraph, the Commission shall not  
24 be compelled to disclose—

1 “(i) material obtained from a foreign  
2 law enforcement agency or other foreign  
3 government agency, if the foreign law en-  
4 forcement agency or other foreign govern-  
5 ment agency has requested confidential  
6 treatment, or has precluded such disclosure  
7 under other use limitations, as a condition  
8 of providing the material;

9 “(ii) material reflecting consumer  
10 complaints obtained from any other foreign  
11 source, if that foreign source supplying the  
12 material has requested confidential treat-  
13 ment as a condition of providing the mate-  
14 rial; or

15 “(iii) material reflecting a consumer  
16 complaint submitted to a Commission re-  
17 porting mechanism sponsored in part by  
18 foreign law enforcement agencies or other  
19 foreign government agencies.

20 “(B) For purposes of section 552 of title 5,  
21 United States Code, this subsection shall be consid-  
22 ered a statute described in subsection (b)(3)(B) of  
23 such section.

24 “(C) Nothing in this subsection shall authorize  
25 the Commission to withhold information from the

1 Congress or prevent the Commission from complying  
 2 with an order of a court of the United States in an  
 3 action commenced by the United States or the Com-  
 4 mission.”.

5 **SEC. 7. CONFIDENTIALITY, DELAYED NOTICE OF PROCESS.**

6 (a) CONFIDENTIALITY, DELAYED NOTICE OF COM-  
 7 PULSORY PROCESS.—The Federal Trade Commission Act  
 8 (15 U.S.C. 41 et seq.) is amended by inserting after sec-  
 9 tion 21 the following new section:

10 **“SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF**  
 11 **COMPULSORY PROCESS FOR CERTAIN THIRD**  
 12 **PARTIES.**

13 “(a) INTERSECTION WITH OTHER STATUTES.—The  
 14 Right to Financial Privacy Act (12 U.S.C. 3401 et seq.)  
 15 and the Electronic Communications Privacy Act (18  
 16 U.S.C. 2701 et seq.) shall apply with respect to the Com-  
 17 mission, except as otherwise provided in this section.

18 “(b) IN GENERAL.—The procedures for delay or pro-  
 19 hibition of notice under the Right to Financial Privacy Act  
 20 (12 U.S.C. 3401 et seq.) and the Electronic Communica-  
 21 tions Privacy Act (18 U.S.C. 2701 et seq.) shall be avail-  
 22 able to the Commission—

23 “(1) where notification is delayed pursuant to  
 24 section 1109(a) of the Right to Financial Privacy  
 25 Act (12 U.S.C. 3409(a)) pursuant to an ex parte ap-

1 plication by the Commission that there is reason to  
2 believe that notification may cause an adverse result;  
3 or

4 “(2) where notification is delayed pursuant to  
5 section 2705(a)(1)(B) of title 18, upon a finding by  
6 the Commission that there is reason to believe that  
7 notification may cause an adverse result.

8 “(c) EX PARTE APPLICATION BY COMMISSION.—If  
9 the procedures for delay or prohibition of notice described  
10 in subsection (b) do not apply, the Commission may apply  
11 ex parte to a presiding judge or magistrate judge for an  
12 order commanding the recipient of compulsory process  
13 issued by the Commission not to notify any other person  
14 of the existence of the process, notwithstanding any law  
15 or regulation of the United States, or under the constitu-  
16 tion, or any law or regulation, of any State, political sub-  
17 division of a State, territory of the United States, or the  
18 District of Columbia. The presiding judge or magistrate  
19 judge may enter such an order granting the requested  
20 delay for a period not to exceed 60 days if there is reason  
21 to believe that notification may cause an adverse result.  
22 The presiding judge or magistrate judge may grant exten-  
23 sions of this delay of notice of up to 30 days each in ac-  
24 cordance with this subsection, provided that in no event  
25 shall notice be delayed for more than a total of 9 months.

1       “(d) NO LIABILITY FOR FAILURE TO NOTIFY.—The  
2 recipient of compulsory process issued by the Commission  
3 under this Act shall not be liable under any law or regula-  
4 tion of the United States, or under the constitution, or  
5 any law or regulation, of any State, political subdivision  
6 of a State, territory of the United States, or the District  
7 of Columbia, or under any contract or other legally en-  
8 forceable agreement, for failure to provide notice that such  
9 process has been issued or that the recipient has provided  
10 information in response to such process. The preceding  
11 sentence does not provide any exemption from liability  
12 for—

13               “(1) the underlying conduct reported;

14               “(2) noncompliance with the record retention  
15 requirements under section 1104(c) of the Right to  
16 Financial Privacy Act (12 U.S.C. 3404), where ap-  
17 plicable; or

18               “(3) noncompliance with any requirement of a  
19 Federal agency to disclose information to that agen-  
20 cy.

21       “(e) VENUE AND PROCEDURE.—

22               “(1) IN GENERAL.—All judicial proceedings ini-  
23 tiated by the Commission under the Right to Finan-  
24 cial Privacy Act (12 U.S.C. 3401 et seq.), the Elec-  
25 tronic Communications Privacy Act (18 U.S.C. 2701

1 et seq.), or this section may be brought in the  
2 United States District Court for the District of Co-  
3 lumbia or any other appropriate United States Dis-  
4 trict Court. All ex parte applications by the Commis-  
5 sion under this section related to a single investiga-  
6 tion may be brought in a single proceeding.

7 “(2) IN CAMERA PROCEEDINGS.—Upon applica-  
8 tion by the Commission, all judicial proceedings pur-  
9 suant to this section shall be held in camera and the  
10 records thereof sealed until expiration of the period  
11 of delay or such other date as the presiding judge  
12 or magistrate judge may permit.

13 “(f) SECTION NOT TO APPLY TO ANTITRUST INVES-  
14 TIGATIONS OR PROCEEDINGS.—This section shall not  
15 apply to an investigation or proceeding related to the ad-  
16 ministration of Federal antitrust laws or foreign antitrust  
17 laws (within the meaning of section 6211 of this title).

18 “(g) ADVERSE RESULT DEFINED.—For purposes of  
19 this section the term ‘adverse result’ means—

20 “(1) the transfer outside the territorial limits of  
21 the United States of assets or records related to  
22 fraudulent or deceptive commercial practices or re-  
23 lated to persons involved in such practices;

24 “(2) impeding the ability of the Commission to  
25 identify persons involved in fraudulent or deceptive

1 commercial practices, or to trace the source or dis-  
2 position of funds related to such practices;

3 “(3) endangering the life or physical safety of  
4 an individual;

5 “(4) flight from prosecution;

6 “(5) the destruction of, or tampering with, evi-  
7 dence;

8 “(6) the intimidation of potential witnesses;

9 “(7) the dissipation, fraudulent transfer, or  
10 concealment of assets subject to recovery by the  
11 Commission; or

12 “(8) otherwise seriously jeopardizing an inves-  
13 tigation or proceeding related to fraudulent or de-  
14 ceptive commercial practices or persons involved in  
15 such practices, or unduly delaying a trial related to  
16 such practices or persons involved in such prac-  
17 tices.”.

18 (b) CONFORMING AMENDMENT.—Section 16(a)(2) of  
19 the Federal Trade Commission Act (15 U.S.C. 56(a)(2))  
20 is amended—

21 (1) in subparagraph (C) by striking “; or” and  
22 inserting a semicolon;

23 (2) in subparagraph (D) by inserting “and”  
24 after the semicolon; and

1 (3) by inserting after subparagraph (D) the fol-  
2 lowing new subparagraph:

3 “(E) under section 21A of this Act;”.

4 **SEC. 8. PROTECTION FOR VOLUNTARY PROVISION OF IN-**  
5 **FORMATION.**

6 The Federal Trade Commission Act (15 U.S.C. 41  
7 et seq.) is further amended by adding after section 21A  
8 (as added by section 8 of this Act) the following new sec-  
9 tion:

10 **“SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF**  
11 **INFORMATION.**

12 “(a) IN GENERAL.—An entity described in para-  
13 graphs (2) or (3) of subsection (d) that voluntarily pro-  
14 vides material to the Commission that such entity reason-  
15 ably believes is relevant to—

16 “(1) a possible unfair or deceptive act or prac-  
17 tice, as defined in section 5(a) of this Act; or

18 “(2) assets subject to recovery by the Commis-  
19 sion, including assets located in foreign jurisdictions;  
20 shall not be liable to any person under any law or regula-  
21 tion of the United States, or under the Constitution, or  
22 any law or regulation of any State, political subdivision  
23 of a State, territory of the United States, or the District  
24 of Columbia, for such provision of material or for any fail-  
25 ure to provide notice of such provision of material. Noth-

1 ing in this subsection shall be construed to provide any  
2 exemption from liability for the underlying conduct re-  
3 ported.

4 “(b) CERTAIN FINANCIAL INSTITUTIONS.—An entity  
5 described in subsection (d)(1) that voluntarily provides to  
6 the Commission material relevant to the subjects described  
7 in paragraphs (1) or (2) of subsection (a) shall be exempt  
8 from liability in accordance with the provisions of section  
9 5318(g)(3) of title 31, United States Code.

10 “(c) CONSUMER COMPLAINTS.—Any entity described  
11 in subsection (d) that voluntarily provides consumer com-  
12 plaints sent to it, or information contained therein, to the  
13 Commission shall not be liable to any person under any  
14 law or regulation of the United States, or under the con-  
15 stitution, or any law or regulation, of any State, political  
16 subdivision of a State, territory of the United States, or  
17 the District of Columbia, for such provision of material  
18 or for any failure to provide notice of such provision of  
19 material. The preceding sentence does not provide any ex-  
20emption from liability for the underlying conduct.

21 “(d) APPLICATION.—This section applies to the fol-  
22lowing entities, whether foreign or domestic:

23 “(1) A financial institution as defined in section  
24 5312 of title 31, United States Code.

1           “(2) To the extent no included in paragraph (1)  
 2           a bank or thrift institution, a commercial bank or  
 3           trust company, an investment company, a credit  
 4           card issuer, an operator of a credit card system, and  
 5           an issuer, redeemer, or cashier of travelers’ checks,  
 6           money orders, or similar instruments.

7           “(3) A courier service, a commercial mail re-  
 8           ceiving agency, an industry membership organiza-  
 9           tion, a payment system provider, a consumer report-  
 10          ing agency, a domain name registrar or registry, and  
 11          a provider of alternative dispute resolution services.

12          “(4) An Internet service provider or provider of  
 13          telephone services.”.

14   **SEC. 9. STAFF EXCHANGES.**

15          The Federal Trade Commission Act (15 U.S.C. 41  
 16   et seq.) is amended by adding after section 25 the fol-  
 17   lowing new section:

18   **“SEC. 25A. STAFF EXCHANGES.**

19          “(a) IN GENERAL.—The Commission may—

20               “(1) retain or employ officers or employees of  
 21               foreign government agencies on a temporary basis  
 22               pursuant to section 2 of this Act, section 3109 of  
 23               title 5, or section 202 of title 18, United States  
 24               Code; and

1           “(2) detail officers or employees of the Commis-  
2           sion to work on a temporary basis for appropriate  
3           foreign government agencies.

4           “(b) RECIPROCITY AND REIMBURSEMENT.—The  
5           staff arrangements described in subsections (a) need not  
6           be reciprocal. The Commission may accept payment or re-  
7           imbursement, in cash or in kind, from a foreign govern-  
8           ment agency to which this section is applicable, or pay-  
9           ment or reimbursement made on behalf of such agency,  
10          for expenses incurred by the Commission, its members,  
11          and employees in carrying out such arrangements.”.

12   **SEC. 10. INFORMATION SHARING WITH FINANCIAL REGU-**  
13                           **LATORS.**

14          Section 1112(e) of the Right to Financial Privacy Act  
15          (12 U.S.C. 3412(e)) is amended by adding “the Federal  
16          Trade Commission,” after “the Securities and Exchange  
17          Commission,”.

18   **SEC. 11. REPORT.**

19          Not later than 3 years after the date of enactment  
20          of this Act, the Federal Trade Commission shall transmit  
21          to Congress a report describing its use of and experience  
22          with the authority granted by this Act, along with any rec-  
23          ommendations for additional legislation. The report shall  
24          include—

1           (1) the number of cross-border complaints re-  
2           ceived by the Commission;

3           (2) identification of the foreign agencies to  
4           which the Commission has provided nonpublic inves-  
5           tigative information under this Act;

6           (3) the number of times the Commission has  
7           used compulsory process on behalf of foreign law en-  
8           forcement agencies pursuant to section 5 of this Act;

9           (4) a list of international agreements and  
10          memoranda of understanding executed by the Com-  
11          mission that relate to this Act;

12          (5) the number of times the Commission has  
13          sought delay of notice pursuant pursuant to section  
14          8 of this Act;

15          (6) a description of the types of information  
16          private entities have provided voluntarily pursuant to  
17          section 9 of this Act;

18          (7) a description of the results of cooperation  
19          with foreign law enforcement agencies under this  
20          Act; and

21          (8) an analysis of whether the lack of an ex-  
22          emption from the disclosure requirements of section  
23          552 of title 5, United States Code, with regard to  
24          information or material voluntarily provided relevant  
25          to possible unfair or deceptive acts or practices, has

1        hindered the Commission in investigating or engag-  
2        ing in enforcement proceedings against such prac-  
3        tices.

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